

**MIKE SIMPSON**

SECOND DISTRICT, IDAHO

**WASHINGTON OFFICE:**

2312 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-5531  
FAX: (202) 225-8216

**DISTRICT OFFICE:**

802 WEST BANNOCK STREET, SUITE 600  
BOISE, ID 83702  
(208) 334-1953  
FAX: (208) 334-9533  
simpson.house.gov



**COMMITTEE ON APPROPRIATIONS**

**SUBCOMMITTEES:**

ENERGY AND WATER DEVELOPMENT,  
AND RELATED AGENCIES  
CHAIRMAN

INTERIOR, ENVIRONMENT,  
AND RELATED AGENCIES

LABOR, HEALTH AND HUMAN SERVICES,  
EDUCATION, AND RELATED AGENCIES

**CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES**

June 7, 2017

**Congressional Liaison  
Environmental Protection Agency  
1200 Pennsylvania Ave NW Rm 3426  
Washington, DC 20460-0001**

**Dear Congressional Liaison:**

Enclosed please find a copy of a letter recently received from a constituent representing a local municipality in my district. My constituents' inquiries and concerns are very important to me, and I am referring this matter to you for your appropriate consideration and action.

To assist me in fully addressing these concerns, please send a report to me at the following address: 410 Memorial Drive, Suite 203, Idaho Falls, ID 83402, or [ethan.huffman@mail.house.gov](mailto:ethan.huffman@mail.house.gov). The outside of the envelope should be marked ATTENTION: Ethan Huffman.

Thank you for giving this matter your earliest attention and response.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Simpson".

Mike Simpson  
Member of Congress  
MS/eh





2135 South Ammon Road, Ammon, Idaho 83406  
(208) 612-4000 email: [scoletti@cityofammon.us](mailto:scoletti@cityofammon.us)

May 9, 2017

Senator Mike Crapo  
239 Dirksen Senate Office Building  
Washington, D.C. 20510

Senator James E. Risch  
483 Russell Senate Office Building  
Washington, D.C. 20510

Congressman Mike Simpson  
2084 Rayburn House Office Building  
Washington, D.C. 20515

Dear Idaho Senators and Congressman,

I am writing on behalf of the Eastern Idaho Regional Waste Water Authority (EIRWWA), which operates the Oxbow Wastewater Treatment Plant located in Shelley, Idaho. There are four members of EIRWWA, namely, the City of Ammon, the City of Shelley, Bonneville County, and Bingham County. I serve on the board of EIRWWA associated with my role as a member of the Ammon City Council.

The purpose of this letter is to request that EIRWWA receive your assistance in working with the regional office of the Environmental Protection Agency (EPA), located in Seattle, Washington.

By way of quick background, EIRWWA obtained its discharge permit effective June 1, 2014. In that permit, EPA gave EIRWWA a phosphorus compliance schedule for cessation of discharge or partial cessation of discharge. The compliance schedule required certain actions to be taken according to a very strict timeline.

It is also important for you to understand that EIRWWA is a regional authority and not a taxing district, and therefore has no ability to obtain additional financing or incur debt to fulfill the requirements set by the EPA. Accordingly, EIRWWA is also considering a plan to become a sewer district, but the timeline and requirements for doing that are also very time consuming and will require much effort.

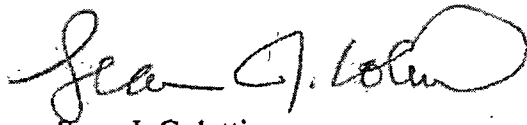
In 2015, EIRWWA came to the realization that it needed more time from EPA to satisfy its phosphorus requirements, given that it also needed to move toward a district. Representatives of EIRWWA contacted the EPA representative, John Drabek, on several occasions between May 1, 2015 and April 4, 2017, but the EPA has not been quick to respond or provide EIRWWA with any guidance. Mr. Drabek did call the EIRWWA engineer once in April of 2016 and said that he would speak with others in his agency about what they could do, but EIRWWA never heard anything back. In short, dealing with the EPA has been extremely difficult. A copy of the written correspondence to the EPA is enclosed with this letter, for your reference.

As a result, we felt that our only option was to request assistance from our elected representatives. We are asking for your assistance in helping us communicate with and come to some resolution with the EPA concerning this issue. As you are aware, sewer and septic systems are of critical importance to Idaho towns and cities. It is imperative that we are able to communicate effectively with the EPA to be able to serve those citizens we represent.

I am copying your regional office managers on this letter, as I spoke with them over the past two weeks and they requested that I write you this letter directly.

As this matter is of urgent importance, we ask for your quick assistance. Please contact me anytime at 208-520-9856, or at [scoletti@cityofammon.us](mailto:scoletti@cityofammon.us).

Very Truly Yours,



Sean J. Coletti

Cc: Kathryn Hitch, Amy Taylor, Ethan Huffman

Enclosures



## Eastern Idaho Regional Wastewater Authority

May 1, 2015

U.S. Environmental Protection Agency, Region 10  
Attn: John Drabek  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101

RE: Progress Report on Obtaining Funding for Permit Compliance (and request for compliance date extensions)  
Eastern Idaho Regional Waste Water Authority (Permit No. ID-0020133-0)

Dear Mr. Drabek

The Eastern Idaho Regional Waste Water Authority (EIRWWA) is authorized to discharge from its Oxbow Wastewater Treatment Plant (WWTP) to the Snake River by Permit ID-0020133-0. The purpose of this letter is to provide a Progress Report on Obtaining Funding for either wastewater reuse (land application) or treatment at facility as required by Part I.C of the permit.

Since the discharge permit became effective June 1, 2014, EIRWWA has undertaken a number of actions toward implementing and obtaining funding for a project to bring the WWTP into compliance with the final limits for phosphorus given in the permit. These actions include:

- May 2014 – EIRWWA published a Request for Proposal to select a consulting firm to assist with engineering and financial planning. As a result of this solicitation, J-U-B Engineers, Inc. was selected and is currently under contract for initial tasks of financial planning.
- January 2015 – EIRWWA submitted a Letter of Interest to the Idaho Department of Environmental Quality (IDEQ) for obtaining a 50% grant from the State Revolving Fund (SRF) program for facilities planning.
- April 2015 – IDEQ published the draft priority list for the SRF grant program showing EIRWWA ranked #1 in the state to receive funding. The draft list is currently undergoing a public review and comment period.
- Future May/June 2015 – After completing the public review and comment period, IDEQ should finalize the priority list, and EIRWWA anticipates receiving an offer from IDEQ for the facilities planning grant.



## Eastern Idaho Regional Wastewater Authority

- Future August/September 2015 – EIRWWA anticipates executing a grant agreement with IDEQ and authorizing J-U-B to proceed with development of the facilities plan. The scope of this plan will include an evaluation of alternatives for compliance with the final phosphorus limits in the permit. Alternatives will include either upgrades for the WWTP to meet limits to the river, or upgrades to implement reuse, or a combination of both.
- Future 2016 - The facilities plan will provide preliminary engineer's opinions of probable cost for the preferred alternative which will estimate the amount of funding needed for project implementation. The plan will also identify potential sources of funding. Completing the facilities plan including public outreach and IDEQ reviews will take at least 6 to 9 months after authorization to proceed. At that time, EIRWWA anticipates moving forward with a combination of user fee increases and grant and/or loan applications to obtain the needed funding.

As indicated by the above actions, EIRWWA is making substantial progress toward obtaining funding and compliance with the final permit limits. EIRWWA is fully committed to continuing to aggressively take actions needed to comply with the final permit limits for phosphorus. However, obtaining funding by the next permit compliance date of May 1, 2016 will be very difficult.

Time will be needed to complete the facilities plan, identify the future project costs, complete funding applications, and wait for decisions from funding agencies based on the programs' cycles and submittal dates. Also, time will be needed for EIRWWA to implement any user fee increases. EIRWWA is also considering the option of reorganizing to form a sewer district so it can obtain its own bonding authority. This process will require time for public outreach, voting, and establishment in accordance with Idaho Code.

Assuming that EIRWWA does reorganize to form a sewer district, a tentative schedule below demonstrates the needed steps and timeframes necessary before funding can be obtained and the project completed:

- 2015 thru 2016 - Develop Facilities Plan with alternative evaluation and cost opinions; develop financial plan to identify required user rate adjustments; explore reorganization of EIRWWA to a sewer district.
- Nov 2016 - Vote on formation of district
- 2017 - Reorganize, hold board elections, and set up district
- 2018 - Public involvement and education for bonding that will likely be required for additional loan funds; vote on bonding
- 2019 - Apply for and secure grants and loans (if bonding passes and as needed)
- 2020 thru 2022 - Design, construct, and start-up required improvements



## Eastern Idaho Regional Wastewater Authority

Therefore, EIRWWA is requesting that the EPA extend the completion dates for future tasks given in Part I.C of the discharge permit as follows:

- Notice of funding obtained due to EPA December 31, 2019
- Decision notice due to EPA of River, Reuse, or River/Reuse November 30, 2018
- NPDES permit renewal application due to EPA (same as before) November 30, 2018
- Comply with final limits (whether River, Reuse, or River/Reuse) December 31, 2022

These compliance date adjustments will allow EIRWWA to make sure that decisions made are for the best long-term interest and have the support of the agencies, the public, and other affected stakeholders.

Thank you for the opportunity to provide this progress report and for consideration of our request.

Sincerely,

Mark Bair

Board Member , EIRWWA

Cc: Tom Hepworth, Idaho DEQ (Pocatello Region)



## Eastern Idaho Regional Wastewater Authority

November 11, 2015

SENT VIA CERTIFIED MAIL

U.S. Environmental Protection Agency, Region 10  
Attn: John Drabek  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101

RE: Follow Up on Permit Compliance Schedule (and request for compliance date extensions)  
Eastern Idaho Regional Waste Water Authority (Permit No. ID-0020133-0)

Dear Mr. Drabek

The Eastern Idaho Regional Waste Water Authority (EIRWWA) sent the attached letter dated May 1, 2015 to EPA. The purpose of the letter was to provide a Progress Report on Obtaining Funding for either wastewater reuse (land application) or treatment at facility as required by Part I.C of EIRWWA's permit. The letter also provided justification for extending the dates of the compliance schedule in the permit and proposed a revised schedule.

To date, since sending the letter over 6 months ago, EIRWWA has not received any response back from EPA regarding the proposed revised schedule. Multiple times, EIRWWA has also attempted to contact EPA via phone and left voicemails but has received no response.

As documented in the May 1 letter, EIRWWA continues to make substantial progress in taking actions necessary to comply with the final permit limits. Going forward, it is critical to EIRWWA to have resolution and concurrence from EPA on the compliance schedule issue so that EIRWWA can be assured of staying in compliance and can plan for next steps. Therefore, if EIRWWA has not received a response from EPA by December 15, 2015, EIRWWA will interpret that as tacit consent to the proposed revised schedule and will proceed accordingly.

Thank you for your help with this matter.

Sincerely,



## Eastern Idaho Regional Wastewater Authority

Roger Christensen

Chairman of the Board, EIRWWA

Encl: Copy of May 1, 2015 letter sent to EPA for Progress Report on Obtaining Funding

Cc: Tom Hepworth, Idaho DEQ (Pocatello Region)

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

EPA Region 10  
Attn: John Drabek  
1200 Sixth Ave  
Seattle, WA 98101



9590 9403 0655 5183 4797 81

Article Number (Transfer from service label)

7013 1090 0002 0881 0596

PS Form 3811, April 2015 PSN 7530-02-000-9053

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

☐ Agent☐ Addressee

## B. Received by (Printed Name)

Douglas B. Leach

## C. Date of Delivery

11/16

## D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

## 3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Insured Mail☐ Insured Mail Restricted Delivery

(over \$500)

☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Return Receipt for Merchandise☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

March 2, 2016

SENT VIA CERTIFIED MAIL

U.S. Environmental Protection Agency, Region 10  
Attn: John Drabek  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101

RE: 2<sup>nd</sup> Follow Up Letter on Permit Compliance Schedule (and request for compliance date extensions)  
Eastern Idaho Regional Waste Water Authority (Permit No. ID-0020133-0)

Dear Mr. Drabek

The Eastern Idaho Regional Waste Water Authority (EIRWWA) sent the attached letter dated May 1, 2015 to EPA. The purpose of the letter was to provide a Progress Report on Obtaining Funding for either wastewater reuse (land application) or treatment at facility as required by Part I.C of EIRWWA's permit. The letter also provided justification for extending the dates of the compliance schedule in the permit and proposed a revised schedule.

On November 11, 2015, EIRWWA sent the attached follow up letter emphasizing the importance of this issue and requesting EPA's concurrence with the proposed revised schedule. In this letter, it was stated that if EIRWWA did not receive a response from EPA by December 15, 2015, EIRWWA would interpret the non-response as tacit consent to the proposed revised schedule and would proceed accordingly.

To date, since sending these letters, EIRWWA has not received any response back from EPA regarding this issue and so is sending this second follow-up letter to confirm that EIRWWA is proceeding based on the assumption that EPA consents to the proposed revised schedule.

Thank you for your help with this matter.

Sincerely,

Roger Christensen  
Chairman of the Board, EIRWWA



## Eastern Idaho Regional Wastewater Authority

June 16, 2016

SENT VIA CERTIFIED MAIL

U.S. Environmental Protection Agency, Region 10  
Attn: John Drabek  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101

RE: Decision Notice of Discharge Option  
Eastern Idaho Regional Waste Water Authority (Permit No. ID-0020133-0)

Dear Mr. Drabek

The Eastern Idaho Regional Waste Water Authority (EIRWWA) is authorized to discharge from its Oxbow Wastewater Treatment Plant (WWTP) to the Snake River by Permit ID-0020133-0. The purpose of this letter is to provide written notice of EIRWWA's selection of Option 2, "treatment and continuation of discharge" as defined by Part I.C.3.c of the permit.

EIRWWA continues to make progress in preparing a facilities plan to evaluate and select alternatives to continue treating and discharging to the Snake River. However, EIRWWA has provided justification to EPA and requested extension of the permit compliance schedule as documented in multiple correspondence:

- |  |            |
|--|------------|
| • Letter to EPA  | 5/1/2015   |
| • Follow up letter to EPA                                  | 11/11/2015 |
| • Alan Giesbrecht (J-U-B) voicemail to Mr. Drabek (EPA)    | 4/7/2016   |
| • Alan Giesbrecht (J-U-B) phone call with Mr. Drabek (EPA) | 4/12/2016  |

To date, EIRWWA has not received an official response from EPA regarding the proposed revised schedule. Thank you for your help with this matter.

Sincerely,

Roger Christensen  
Chairman of the Board, EIRWWA

Cc: Tom Hepworth, Idaho DEQ (Pocatello Region)



## Eastern Idaho Regional Wastewater Authority

- |  |           |
|--|-----------|
| • 2 <sup>nd</sup> Follow up letter to EPA about schedule   | 3/2/2016  |
| • Alan Giesbrecht (J-U-B) voicemail to Mr. Drabek (EPA)    | 4/7/2016  |
| • Alan Giesbrecht (J-U-B) phone call with Mr. Drabek (EPA) | 4/12/2016 |
| • Decision Notice Letter to EPA                            | 6/16/2016 |

To date, EIRWWA has not received any official response from EPA regarding the proposed revised schedule. However, as reiterated in previous correspondence and in light of having received no response, EIRWWA continues to proceed based on the assumption that EPA consents with the proposed revised schedule and remains in compliance with the revised schedule. Accordingly, EIRWWA is continuing to proceed with activities required to achieve compliance with the final effluent phosphorus limitations by December 31, 2022.

Thank you for your help with this matter.

Sincerely,

Roger Christensen

Chairman of the Board, EIRWWA

Cc: Tom Hepworth, Idaho DEQ (Pocatello Region)



## Eastern Idaho Regional Wastewater Authority

April 4, 2017

SENT VIA CERTIFIED MAIL

U.S. Environmental Protection Agency, Region 10  
Attn: John Drabek  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101

RE: Notice regarding Environmental Report Completion  
Eastern Idaho Regional Waste Water Authority (Permit No. ID-0020133-0)

Dear Mr. Drabek

The Eastern Idaho Regional Waste Water Authority (EIRWWA) is authorized to discharge from its Oxbow Wastewater Treatment Plant (WWTP) to the Snake River by Permit ID-0020133-0. The purpose of this letter is to provide written notice regarding completion of an environmental report as required by Part I.C.3.c (Task 4) of the permit.

EIRWWA has completed a Technical Review draft of a Facilities Plan for the WWTP Improvement and has submitted it to the Idaho Department of Environmental Quality (IDEQ) for review and technical approval. To date, IDEQ's response has not been received. As part of the planning process, an environmental scoping conference was held with IDEQ to assess the requirements of an environmental report. During the conference, IDEQ noted that an environmental information document would not be required if EIRWWA did not intend to secure state revolving fund (SRF) loan funding.

EIRWWA intends to fund the implementation of the improvements required to achieve compliance with the final phosphorus limit using internal capital funds rather than using SRF loan funds. Therefore, an environmental information document will not be prepared for these improvements, although any needed environmental permits and clearances will still be obtained for the improvements. If future phases of work will use SRF loan funding, the required environmental information document will be prepared at that time.

As an update, EIRWWA has previously provided justification to EPA and requested extension of the permit compliance schedule as documented in multiple correspondence:

- Funding Progress Letter to EPA (included proposed revised schedule) 5/1/2015
- Follow up letter to EPA about schedule 11/11/2015